IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 6376 OF 2006

Smt. Tarabai Ramsagar Pande & anr.
v.
Nandlal Shankarrao Chouliwar & anr.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.G. Shukla Advocate for the Petitioners.
Mr.S.L.Kotwal Advocate for Respondents 1 & 2.
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CORAM: A.B. CHAUDHARI, J.
DATED : 21st AUGUST, 2007.

Heard learned counsel for the parties.

2. Petitioners have challenged the order granting injunction against them in respect of area to the extent of 0.55 HR, field survey no. 431, near Godhani (Rly). The learned counsel for the petitioners vehemently argued that the appellate court committed an error in issuing the injunction when it found that as a matter of fact on the agreement of sale dated 3.7.2001 and *Aapsi*

Samjautha dated 12.9.2002 requisite stamp duty was not paid and, as such, it cannot be said that the conveyance was not valid in law. In view of this, the learned counsel prayed for reversal of the order made by the appellate court.

3. Mr.Kotwal, learned counsel for respondents, opposing the submissions made by Mr.Kaptan, submitted that the respondents have parted with substantial amount to the tune of around nine lacs rupees and they are not being allowed to deal with the land which they have purchased.

4. Having heard the learned counsel for the rival parties, and having gone through the record, it appears that the appellate court has restricted the injunction order in question only to the extent of 0.55HR and that in his opinion rest of the land was not conveyed in accordance with law. I do not find any jurisdictional error in the order made by the

appellate court. At any rate, the decision in the suit will bind the parties in accordance with thereof. In the result, I do not find any need to interfere with the impugned order in writ jurisdiction. Petition dismissed.

JUDGE

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